

TOWNSEND AND TOWNSEND AND
CREW LLP
Eric P. Jacobs (State Bar No. 88413)
Peter H. Goldsmith (State Bar No. 91294)
Robert A. McFarlane (State Bar No. 172650)
Igor Shoiket (State Bar No. 190066)
Matthew R. Hulse (State Bar No. 209490)
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111
Tel: 415.576.0200
Fax: 415.576.0300
E-mail: epjacobs@townsend.com
phgoldsmith@townsend.com
ramcfarlane@townsend.com
ishoiket@townsend.com
mrhulse@townsend.com

Attorneys for Defendant and Counterclaimant
FAIRCHILD SEMICONDUCTOR
CORPORATION

MORGAN, LEWIS & BOCKIUS LLP
Daniel Johnson, Jr. (State Bar No. 57409)
Brett M. Schuman (State Bar No. 189247)
Amy M. Spicer (State Bar No. 188399)
One Market, Spear Street Tower
San Francisco, CA 94105-1126
Tel: 415.442.1000
Fax: 415.442.1001
E-mail: djjohnson@morganlewis.com
bschuman@morganlewis.com
aspicer@morganlewis.com

MORGAN, LEWIS & BOCKIUS LLP
Andrew J. Wu (State Bar No. 214442)
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306-2122
Tel: 650.843.4000
Fax: 650.843.4001
E-mail: awu@morganlewis.com

Attorneys for Plaintiffs and
Counterdefendants
ALPHA & OMEGA SEMICONDUCTOR,
INC.
ALPHA & OMEGA SEMICONDUCTOR,
LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALPHA & OMEGA SEMICONDUCTOR,
INC., a California corporation; and
ALPHA & OMEGA SEMICONDUCTOR,
LTD., a Bermuda corporation,

Plaintiffs and Counterdefendants,

v.

FAIRCHILD SEMICONDUCTOR
CORP., a Delaware corporation,

Defendant and Counterclaimant.

AND RELATED COUNTERCLAIMS

Case No. C 07-2638 JSW (EDL)
(Consolidated with Case No. C 07-2664 JSW)

**STIPULATION AND [PROPOSED]
ORDER LIFTING RESTRICTIONS ON
DR. RICHARD A. BLANCHARD
IMPOSED BY THE COURT'S
JANUARY 17, 2008, ORDER**

STIPULATION

WHEREAS Alpha & Omega Semiconductor, Inc., Alpha & Omega Semiconductor, Ltd. (collectively "AOS") and Fairchild Semiconductor Corporation ("Fairchild") are parties to the above-captioned matters;

WHEREAS on January 17, 2008, pursuant to the parties' stipulation, the Court issued an Order (Docket No. 131) (the "Blanchard Disclosure Order") adopting the terms of an agreement between the parties regarding the terms on which Dr. Blanchard could have access to information designated by AOS as "Highly Confidential – Attorneys' Eyes Only" or "Confidential" pursuant to the Protective Order entered in this case by the Court on August 2, 2007 ("AOS confidential information");

WHEREAS the terms of the Blanchard Disclosure Order provide for the following terms, in addition to those set forth in the Protective Order issued by the Court on August 2, 2007, on which Dr. Blanchard could have access to AOS confidential information:

Until three (3) years have passed after the earlier of (1) the conclusion of this litigation or (2) the last day on which AOS confidential information is disclosed to Fairchild:

- (a) Dr. Blanchard will only have access to AOS confidential information regarding the technical design, manufacture, or operation of AOS's low-voltage (i.e., 200V or less) trench power MOSFET devices. Dr. Blanchard will be prohibited from reviewing any information that does not concern these products, including but not limited to AOS confidential information concerning high-voltage (i.e., more than 200V) or planar products;
- (b) Dr. Blanchard will not have access to any AOS confidential information regarding AOS's agreements with its foundries, including without limitation the terms of agreements with foundries or assembly sub-contractors, including but not limited to wafer pricing and quantities, and volumes for any foundry manufacturing;
- (c) Dr. Blanchard will abstain from any involvement in consulting activities including but not limited to research, product development, engineering, manufacturing activities, or intellectual property development-relating to low-voltage trench power MOSFET products and technology, except that Dr. Blanchard shall be allowed to consult on this litigation for Fairchild as well as on the litigation currently pending between AOS and Siliconix;
- (d) Dr. Blanchard will abstain from being a named inventor on or otherwise authoring or filing any patent application in the field of low-voltage trench power MOSFET technology. To allow Dr. Blanchard to pursue intellectual property based on ideas he has developed prior to reviewing AOS's confidential information, Dr. Blanchard will not be given access to any

1 AOS confidential information until February 11, 2008, during which time
 2 Dr. Blanchard may file applications for patents, which he may continue to
 3 pursue after February 11, 2008 so long as he does not add any new matter
 4 to the applications on file as of February 11, 2008; and
 5 (e) Dr. Blanchard will abstain from authoring any paper or publication, in the
 6 field of low-voltage trench power MOSFET technology, except that Dr.
 7 Blanchard shall be allowed to author papers or publications concerning
 8 historical developments in the field of low-voltage trench power MOSFET
 9 technology that are reviewed and approved by AOS before publication. Dr.
 10 Blanchard shall tender any draft of a historical paper or publication to AOS
 11 for review and approval no later than forty-five (45) days before the
 12 anticipated publication date. Dr. François Hébert, or another designated
 13 representative of AOS, will review and approve for publication any draft of
 14 a historical paper or publication within twenty (21) after receiving the draft
 15 so long as the draft does not contain, reflect, or reveal any AOS
 16 confidential information.

17 WHEREAS on March 13, 2008, pursuant to the parties' stipulation, the Court issued an
 18 Order (Docket No. 143) (the "Blanchard Disclosure Order Amendment"), revising the terms of
 19 the Blanchard Disclosure Order to extend certain deadlines;

20 WHEREAS, the parties have arrived at a settlement of this action;

21 WHEREAS, as set forth in his declaration attached as Exhibit A, Dr. Blanchard confirms
 22 that the only information designated by AOS as Confidential or Highly Confidential – Attorneys'
 23 Eyes Only disclosed to Dr. Blanchard was contained in a spreadsheet containing a summary of
 24 certain process parameters (the "Spreadsheet"), and a copy of that spreadsheet was provided to
 25 AOS's counsel for review on October 21, 2008;

26 WHEREAS, as set forth in his declaration attached as Exhibit B, Eric P. Jacobs of
 27 Townsend and Townsend and Crew LLP ("Townsend"), attorney of record for Fairchild in this
 28 matter, confirms that the only information designated by AOS as Confidential or Highly
 Confidential – Attorneys' Eyes Only disclosed to Dr. Blanchard was contained in the
 Spreadsheet;

NOW, THEREFORE, THE PARTIES STIPULATE AS FOLLOWS:

1. Given Dr. Blanchard's limited access to AOS confidential information in this
 matter and his agreement to be bound by this stipulation as set forth in his accompanying

1 declaration, the restrictions on Dr. Blanchard contained in paragraphs (c), (d), and (e) of the
2 Blanchard Disclosure Order and the Blanchard Disclosure Order Amendment should be lifted on
3 the conditions which follow.

4 2. Dr. Blanchard shall not serve as a retained expert consultant or witness in any
5 future litigation or dispute against AOS, except for the following:

6 (a) If an action between Fairchild and AOS occurs for which Dr. Blanchard is
7 retained by Fairchild as an expert consultant or witness, Dr. Blanchard shall be bound in
8 such action by the terms of the Blanchard Disclosure Order unless the parties agree
9 otherwise; and

10 (b) Dr. Blanchard may testify as a fact witness in litigation brought by any
11 entity against AOS if required by subpoena or Court order, including, by way of example,
12 if he is a named inventor on an asserted patent or with respect to his authorship of a prior
13 art reference.

14 3. Dr. Blanchard remains bound by the terms of the Protective Order issued by the
15 Court on August 2, 2007, particularly with respect to the information contained in the
16 Spreadsheet.

17 IT IS SO AGREED AND STIPULATED.

18 Dated: October 28, 2008

MORGAN, LEWIS & BOCKIUS LLP

21 By: /s/Andrew J. Wu
22 Andrew J. Wu
23 Attorneys for Plaintiffs and
24 Counterdefendants
25 ALPHA & OMEGA SEMICONDUCTOR,
26 LTD., AND ALPHA & OMEGA
27 SEMICONDUCTOR, INC.
28

///
///
///

1 Dated: October 28, 2008

TOWNSEND AND TOWNSEND AND
CREW LLP

2
3 By: /s/Eric P. Jacobs

4 Eric P. Jacobs
5 Attorneys for Defendant and
6 Counterclaimant
7 FAIRCHILD SEMICONDUCTOR
8 CORPORATION

9 **PROPOSED ORDER**

10 Pursuant to the parties' stipulation set forth above,

11 **IT IS SO ORDERED.**

12
13 DATED: October 29, 2008



GENERAL ORDER 45 ATTESTATION

I, Eric P. Jacobs, am the ECF user whose ID and password are being used to file this
STIPULATION AND [PROPOSED] ORDER LIFTING RESTRICTIONS ON DR. RICHARD
A. BLANCHARD IMPOSED BY THE COURT'S JANUARY 17, 2008, ORDER. In compliance
with General Order 45, X.B., I hereby attest that Andrew J. Wu has concurred in this filing.

/s/Eric P. Jacobs